UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/299/Add.1
19 March 1996

ENGLISH
Original: SPANISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Fourteenth periodic reports of States parties due in 1996

Addendum

PANAMA

[1 March 1996]

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* For the eighth and ninth periodic reports submitted by Panama and the summary records of the meetings of the Committee at which those reports were considered, see:

CERD/C/149/Add.4 (CERD/C/SR.790).

** The annexes are available for consultation in the files of the secretariat.

*** The information submitted by Panama in accordance with the consolidated guidelines concerning the initial part of reports of States parties is contained in the core document HRI/CORE/1/Add.14.

GE.96-16463 (E)

IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

Articles 2 and 5

1. It is the policy of the Government of the Republic of Panama to give consideration to the socio-economic situation of minority groups such as the indigenous population, immigrants and refugees, on the basis of the provisions of articles 2 and 5 of the Convention, through activities conducted by the various branches of Government. These activities are described below:

National Directorate of Local Governments

2. The Directorate, which was established by Act No. 1 of 1974, is responsible in particular for enforcing the laws, decrees, orders and programmes issued by the Executive Branch, guaranteeing the existence and development of municipalities, and implementing the administrative and criminal justice systems.

3. The Directorate is working hard to perform its tasks effectively, through various institution-building programmes, which include training in municipal administration and increasing municipal subsidies in order to ensure that the poorer municipalities in Panama will have technical and professional staff to provide a large number of organizations and committees with guidance in community development and social welfare, taking into account population, geographical location and economic development, as stipulated in article 230 of the Constitution.

4. These programmes include seminars intended for:

(a) District representatives, to provide follow-up on the proper management of aspects of public administration, correctional measures and their respective penalties, and technical aspects involving legal competence and authority;

(b) Members of provincial councils on administrative aspects of provincial councils' work, correct drafting of decisions, and exchange of views to minimize constitutionality problems with municipal decisions or orders;

(c) Municipal treasurers, accountants and auditors, aimed at analysing new tax system strategies and coordinating control and audit programmes to ensure the proper use of the municipalities' financial resources;

(d) Municipal inspectors and contractors, focusing on basic legal aspects of public obligations, the problem of elimination of solid waste (biodegradable and non-biodegradable), and basic municipal services (sewage, rubbish collection, electrification and ecological impact).

5. Mention should be made of the work of the National Commission on Administrative Boundaries, in response to various territorial cases involving boundary problems, particularly the demarcation of the indigenous comarca of Emberá, the boundaries of the indigenous comarca of Cuna Yala and Colón

province, and the demarcation of the indigenous comarca of Ngobé-Buglé, which is currently under negotiation. The Legislative Assembly has just enacted a law establishing the indigenous comarca of Madugandí.

6. The National Government is especially interested in harmonizing relations within the various communities by identifying difficulties in municipal structures with a view to effecting substantial social, political and economic changes in local governments.

Directorate-General for Community Development (DIGEDECOM)

7. Its legal basis is contained in the following instruments:

(a) Cabinet Decrees Nos. 147 of 3 June 1969, 222 of 16 July 1969, 290 of 27 August 1969 and 23 of 5 February 1990;

(b) Executive Decree No. 13 of 20 January 1986;

(c) Acts Nos. 102 of 30 December 1974 and 40 of 8 November 1984 and decisions Nos. 001/007 of 19 June 1986, 009 of 19 June 1986, 455 of 28 August 1989 and 003 of 10 September 1990.

8. As part of its objectives, tasks and responsibilities, the Directorate-General seeks to achieve community participation through organization, self-management and voluntary work, with a view to reducing marginality, increasing incomes, redressing regional socio-economic imbalances, reducing poverty levels, and raising public awareness of citizens' rights and duties and of their civil and political capacity to participate in decisions that may affect their interests or impede their development.

9. DIGEDECOM provides support for the promotion and performance of services offered by governmental, autonomous and private institutions, primarily in the areas of agrarian reform, public health, education, housing and related areas. It supplements the economic and financial resources for general programming with additional resources, primarily for infrastructure works and other activities, through the provision of materials, tools, equipment, concessions and technical assistance.

10. In this context, the programmes conducted are intended for the entire population without distinction as to race, colour, religion, descent or national or ethnic origin. These programmes include:

(a) Coordination, advisory assistance and organization for local governments. A total of 923 activities were undertaken for the benefit of 5,460 people in six provinces in Panama, as follows:

Advisory assistance to community boards	463
Advisory assistance to local boards	135
Advisory assistance to district mayors	173
Advisory assistance to municipal mayors	64

Coordination with municipal councils 86

Organization of local boards 2;

(b) Promotion and coordination of community production projects. Approximately 5,869 people have been covered by this programme. About 98 per cent of the programme was devoted to vegetable gardens in order to improve families' nutrition and introduce variety in eating habits, providing a balanced and nutritious diet for students with low incomes and encouraging the public to buy and eat low-cost foods;

(c) World Food Programme. Training in the construction of Lorena ovens; provision of food, training and community evaluation within the framework of WFP project No. 2796-01. Project No. 2436, entitled "Rural development for the rehabilitation of indigenous communities", was conducted in the province of Coclé, Chiriquí and Veraguas;

(d) International technical cooperation in programmes:

(i) Food preservation development project;

(ii) Establishment of APRONAVA micro-enterprise;

(iii) Dairy products preservation in Vallerriquito, Los Santos province;

(iv) Rural community development project;

(v) Fishing cooperative on Isla Melones, for fishermen in the area of Veracruz, Panama province;

(vi) Emberá Wounaan training centre project, Darien province. This project is being carried out under a tripartite agreement between the Spanish International Cooperation Agency, the comarca of Emberá Wounaan and DIGEDECOM, and consists of the construction of a centre for training in several areas - craftwork, carpentry, cabinet-making, including an accommodation area and workshops, all of which are available to the entire population without discrimination.

Forces of law and order

11. The legal basis for the forces of law and order lies in the Constitution, Act No. 20 of 29 September 1983, and Cabinet Decrees Nos. 38 of 10 February 1990 and 42 of 17 February 1990.

12. These forces are made up of four police services with separate and independent commands and grade structures, under the authority of the President of the Republic. The following three services are subordinate to the Ministry of the Interior and Justice:

(a) National Police, whose main function is to maintain law and order; ensure the security of individuals and property; prevent crime; pursue and apprehend offenders and place them at the disposal of the judicial authorities; protect and supervise, jointly with the armed forces of the United States, the Panama Canal areas; direct traffic and individuals on public thoroughfares; coordinate action with that of the other components of the forces of law and order in order to prevent and combat smuggling, drug-trafficking, illegal immigration, the international white slave trade and, generally speaking, any acts or actions that jeopardize national security;

(b) National Air Service, an institution that works with other State security bodies to coordinate air transport, in support of the Government's socio-economic development programmes, in search, rescue and evacuation operations in response to air, sea or natural disasters, and to combat crime in all its forms, including crimes against State security;

(c) National Coastguard. Panama, as a maritime nation, has developed a Coastguard Service for the protection and defence of maritime territory, which makes its presence felt in all jurisdictional and international waters in accordance with the agreements in force. Its functions are:

(i) To provide a maritime transport service to remote areas inaccessible to other means of transport, in support of the Government's development programmes;

(ii) To coordinate, together with public and private institutions, assistance, evacuation and rescue operations involving lives and property in regions affected by natural disasters;

(iii) To prevent smuggling and drug-trafficking in the territorial sea;

(iv) To combat pollution and illegal fishing in the territorial sea and ensure the conservation of maritime resources.

13. The Institutional Protection Service (SPI) is a police service that reports directly to the Office of the President.

14. Pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination and in order to guarantee the objectives of these institutions, title III of our Constitution lays down individual and political rights and duties in articles 17, 18, 20, 21, 22, 27, 33, 34, 38 and in title XII, "forces of law and order", in articles 305, 306 and 307.

15. If a risk of foreign aggression exists the law provides for the temporary organization of special police services to protect the frontiers and territory of the Republic.

16. The President of the Republic is the chief of all the services provided for in this title, and the latter as instruments of the Government, are

subordinate to the civil authorities; consequently, they will execute orders issued by the national, provincial or municipal authorities in the exercise of their legal functions.

National Civil Defence System (SINAPROC)

17. This system was established by Act No. 22 of 15 November 1982, and is responsible for implementing measures, provisions and orders aimed at averting, eliminating or mitigating effects of the potential negative human action or nature on the lives and property of the community without distinction. It concludes emergency support agreements with the international community when necessary, recommends the declaration of a state of national emergency, and takes steps to provide the necessary funds and resources for meeting and dealing with the effects of disasters, so as to guarantee rapid, safe and effective intervention at the time of the disaster and thus minimize its effects.

National Directorate of Prisons

18. The Directorate's legal basis lies in Act No. 87 of 1 July 1941, Decree No. 467 of 1942 and the Constitution.

19. The National Directorate of Prisons administers three rehabilitation centres: El Renacer and the women's centres, in the provinces of Panama and Chiriquí; 2 penitentiaries, La Joya and Coiba; 6 prisons housing a sizeable population, La Modelo, La Chorrera, Colón, David, Penonomé and Santiago; and 38 prisons with medium-sized or small populations, housing an average of 6,650 inmates.

20. The following are the Directorate's responsibilities:

(a) To ensure that persons being held in penitentiaries or rehabilitation centres under the care of the State are detained in accordance with legislation in force and ensure the inmates' physical and mental security and reintegration into society;

(b) To evaluate and improve rehabilitation programmes for offenders;

(c) To ensure the prompt administration of justice for detainees;

(d) To administer the rehabilitation centres and maintain their equipment and buildings;

(e) To develop the expertise necessary for the diagnosis and treatment of prisoners;

(f) To conduct courses and seminars for the purpose of keeping prisoners occupied and helping them learn work that will provide them with skills and their family with an income;

(g) To rehabilitate women over 18 years of age who enter the Women's Rehabilitation Centre, in order that they may play a useful and productive role in society on completing their sentence.

21. With the aim of continuing the process of making prison conditions more humane, the so-called berlinas, or punishment cells, have been closed; inmates in various prisons have been granted conditional release or reduced sentences, in accordance with the powers vested in the Executive Branch by the provisions of the Penal Code giving effect to article 179 of the Constitution, which stipulates:

> "Article 179. Functions that the President of the Republic shall exercise with the participation of the respective Minister are:
>
> ...
>
> 12. The order pardons for political offences, reduce penalties, and grant conditional release to persons guilty of ordinary offences".

22. Prison is aimed at the rehabilitation of offenders and their reintegration into society, as provided for in article 28 of the Constitution, which states:

> "Article 28. The prison system is based on principles of security, rehabilitation and social defence. It is unlawful to apply measures which may harm inmates' physical, mental, or moral integrity.
>
> An occupational training programme for prisoners shall be established, which should permit them to be usefully reintegrated into society.
>
> Prisoners who are minors shall be governed by a special system of custody, protection and education."

23. In this connection, it should be noted that Panama, as a signatory of the international instrument that prohibits the ill-treatment of prisoners, according to a set of rules that are to be applied without discrimination of any kind, brings every effort to bear in order to improve conditions for persons deprived of their liberty, in keeping with articles 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. A draft decree containing regulations for work permits for inmates is currently under consideration.

National Office for Refugee Matters (ONPAR)

24. The National Office for Refugee Matters is responsible for analysing, discussing and taking decisions on application for protection by citizens of foreign countries who are refugees or who consider themselves as such. The National Commission for Refugee Matters was established by Decree No. 100 of 6 July 1981, pursuant to Act No. 5 of 26 October 1977 approving the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto. Subsequently, decision No. 461 of 9 October 1984 was issued, laying down regulations for the National Commission and establishing the National Office for Refugee Matters, a branch of the Ministry of the Interior and Justice. The National Commission holds four ordinary meetings a year to examine and

take decisions on requests for refugee status in accordance with the provisions of the 1951 Convention and 1967 Protocol, the legal implementing provisions and the conclusions of the Executive Committee of UNHCR.

25. The National Commission is made up of the Deputy Minister of the Interior and Justice, who chairs it, the Director for Migration, the Deputy Minister of Labour, the National Director of Employment, the Director of Foreign Policy, the Deputy Minister for Foreign Affairs, the Director of the National Red Cross and a representative of the National Police. ONPAR acts as Executive Secretary of the Commission and UNHCR as international representative.

26. The National Commission has considered requests for protection from 752 refugees and a further 69 are currently being considered at first instance or are under review or appeal.

27. The National Commission is organized in conformity with the International Convention and grants protection in accordance with its statutes, which are based on the guidelines set forth in the 1951 Convention relating to the Status of Refugees, to persons who, on grounds of race, religion, opinion, descent, colour or national or ethnic origin, politics or membership of a particular social group, are unable or unwilling to return to the countries which gave rise to the situation that caused them to leave in search of protection.

28. Refugees are given protection without discrimination and are guaranteed the right to equality before the law without distinction as to race, religion, colour, or national or ethnic origin, as set forth in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. In addition, refugees are entitled freely to leave and return to the country, except in cases where they wish to travel to the country in which the situation that led to their need for protection arose.

29. As stipulated in article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination and as regards the protection of refugees, Panama complies fully with the Charter of the United Nations, the Universal Declaration of Human Rights and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

National Directorate for Indigenous Policy

30. This body was established by Act No. 18 of 1952, its main purpose being to provide support for the economic and social development of the indigenous communities, within the framework of the National Development Plan, while respecting their political and cultural values.

31. Its objectives are specifically to design and implement indigenous policy in accordance with the Development Plan, to establish mechanisms that will guarantee an indigenous government of the indigenous communities within the parameters laid down by the State and to establish international relations

with government and private agencies working to support and develop indigenous ethnic groups, in order to recommend and/or implement the technical achievements of those groups.

32. The National Government has given priority to the problem of indigenous peoples. The Directorate for Indigenous Policy has conducted a series of programmes that have included the following:

(a) Cuna Yala development project, submitted to the European Economic Community and divided into three subprojects: agriculture and advisory assistance in Rio Pito; agriculture and human settlements in Congandi; fish-farming (lobster and shad). This project will be of approximately three years' duration and will cost 800,000 balboas, with 115,000 balboas being provided by the Cunas in the form of labour; its purpose is to strengthen the Cunas' capacity to ensure the sustainable management of their territory;

(b) Through the Social Emergency Fund (FES), nutrition and drinking-water programmes and the Ngobé-Buglé rural project are being executed, at an approximate cost of $14.1 million, financed by the Indigenous Fund for Agricultural Development (FIDA);

(c) Nutrition and food distribution programmes in indigenous areas, conducted by the Office of the First Lady of the Republic and the Directorate-General for Social Welfare (Ministry of Labour);

(d) The "Covenant with Children" programmes, which, through the Human Resources Training Institute (IFARHU), has granted fellowships for the Ngobé-Buglé indigenous areas.

33. The National Directorate for Indigenous Policy held a meeting with the Colombian-Panamanian Good Neighbourliness Commission in the city of Medellín, Colombia, at which the Sub-Commission on Indigenous Ethnic Groups undertook to:

(a) Recognize the control of the traditional authorities over their communities for the purpose of handling the constant migration of indigenous inhabitants in the area along the Colombian-Panamanian border;

(b) Ensure that indigenous populations are given frontier zone status and recognized as having dual nationality;

(c) Support the free trade which has been practised by the Cuna, Emberá and Wounaan groups;

(d) Seek recognition of the validity of the indigenous primary and secondary educational curriculum in the countries of the frontier zone;

(e) Recognize the participation of the indigenous communities, through their representative organizations, in the environmental and cultural impact studies being planned with a view to the possible opening of the Darien Gap. Pursuant to Act No. 27 of 13 December 1993, two instruments were approved: the Agreement establishing the Fund for the Development of the Indigenous

Peoples of Latin America and the Caribbean, and the Central American Ecological Proposal for the Summit Meeting of Presidents held in Miami. In addition, approval was given for the National Plan of Action for the World Summit for Social Development to be drafted.

34. Officials of the Directorate for Indigenous Policy met with the consultant of the United Nations Development Programme (UNDP) to discuss indigenous problems, especially the "Project for the Conservation of Biodiversity in Darién" and the "Model Project" for the creation of sustainable trade and social relations between indigenous organizations in North America and Latin America.

35. Through Executive Decree No. 206 of 8 May 1995, the Ministry of the Interior and Justice established the Intergovernmental Commission for the Development of the Ngobé-Buglé Region, which is responsible for drafting a bill establishing the comarca of Ngobé-Buglé. A Tripartite Commission for the implementation of the statute of the Emberá-Wounaan comarca was also established. The Act establishing the indigenous comarca of Madungandí was adopted by the Legislature and duly ratified and promulgated by the Executive (Act No. 24 of 12 January 1996).

36. Articles 84, 86, 120, 122 and 123 of the Constitution clearly establish the rights of peasants and indigenous inhabitants in our country, in accordance with the provisions of article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination.

National Directorate for Migration and Naturalization

37. The objective of this agency, which was established by article 80 of Decree-Law No. 16 of 30 June 1960, as amended by Decree-Law No. 13 of 20 September 1965 and by the Act of 1980, is to monitor and control the migration of both foreigners and Panamanian citizens throughout the national territory, without distinction as to race.

Article 3

38. In conformity with article 4 of the Panamanian Constitution, which states that "The Republic of Panama abides by the rules of international law", the Government of Panama has ratified numerous international human rights conventions and, in particular, those that condemn racist practices and any form of racial discrimination. Pursuant to these obligations, numerous legislative, judicial and administrative measures have been adopted. For example, Book II, Title IX, Chapter III, of the Penal Code, relating to offences against the international community, in articles 311 and 312, provides as follows:

> "Article 311. Anyone who participates in the total or partial destruction of a particular group of human beings, for reasons of their nationality, race or religious or political beliefs, shall be liable to imprisonment for a term of 15 to 20 years.

"Article 312. Anyone who recruits persons, accumulates weapons, performs other hostile acts not approved by the Government or carries out, within the territory of the Republic or abroad, acts against another State which expose Panama to the threat of war or to the severance of international relations shall be liable to imprisonment for a term of three to six years."

Articles 4 and 5

39. Where article 4 of the Convention is concerned, and in the light of the fundamental human rights enshrined in Panama's Constitution relating to freedom of expression, opinion and association, it may be asserted that in Panama individuals are free to express their opinions in writing or by any other means without censorship. The exercise of this right may give rise to legal liability if it entails real or alleged injury to the reputation or honour of individuals, the security of society or public order, as indicated in article 37 of the Constitution.

40. Where the mass media are concerned, it is also important to draw attention to the provisions of article 85 of the Constitution:

"Article 85. The mass media are instruments of information, education, entertainment, and dissemination of cultural and scientific knowledge.

When they are used for advertising or to disseminate propaganda, these must not be detrimental to the health, morals, education or cultural values of society or the national conscience. Their operation shall be regulated by law."

41. In accordance with Executive Decrees Nos. 155 of 28 May 1962 and 87-A of 3 April 1991 and Acts Nos. 36 of 17 October 1980 and 67 of 1978, the National Directorate for Communication regulates and supervises State policy towards the various media and provides a technical communications link in situations of national emergency during which it may be necessary to broadcast programmes and information to the public.

42. The Ministry of the Interior and Justice, acting through the National Censorship Board established by Cabinet Decree No. 251 of 6 August 1969, plays an important role in preserving moral standards by classifying and evaluating public entertainment events through an executive secretariat which coordinates this activity with the members of the auxiliary censorship board and district boards, with the aim of maintaining the moral standards of Panamanian citizens and other residents. The National Censorship Board is responsible for, and has as its purpose, the development of public awareness in order to preserve civic and moral values and thereby ensure the full development of children and young people. A bill providing for the establishment of a National Classification Board to take over from the National Censorship Board is currently under consideration.

43. It should be mentioned that specialized seminars have been held on the mass media. One of them concerned the appropriate means of disseminating and implementing the new Family Code, which was approved by Act No. 3 of 17 May 1994, Act No. 12 of 25 July 1994 and Act No. 4 of 20 January 1995.

The Code contains a number of articles (485, 501, 510, 520, 530, 564, 565, 575-578, 655, 661-663 and 676) relating to the media, their mission and their relationship with the welfare of the family unit.

44. For 10 years the Mass Media Research Centre has been publishing Syntagma, a specialized journal on the media, which has become the focal point for dialogue, data collection, case analysis and evaluation of developments in the world of the media. The various issues of the journal have focused on all aspects of human rights.

45. In conformity with article 4 of the Convention, where national or foreign publicity and propaganda are concerned the Commission on Advertising and Propaganda was set up by Decision No. 00615 of 30 April 1991. The Commission comprises representatives of the Ministry of Health and the Ministry of the Interior and Justice (Directorate for the Media). The Commission is responsible for vetting all advertisements connected with health, hygiene, food, alcoholic beverages and drugs in order to ensure the comprehensive protection of the physical, mental and social well-being of the population, without discrimination on grounds of race, colour or ethnic origin.

46. No charges or complaints have been lodged with the Ministry of the Interior and Justice concerning any kind of racial discrimination.

47. As regards the right of peaceful assembly and association, article 38 of the Panamanian Constitution stipulates:

> "Article 38. The inhabitants of the Republic have the right to assemble peacefully without arms for lawful ends. Public demonstrations or gatherings in the open air do not require authorization. The only requirement for holding such gatherings is that the local administrative authorities should be notified 24 hours in advance.
>
> The authorities may take police measures to prevent or restrain abuse of this right when the manner in which it is exercised causes, or may cause, disruption of traffic, a breach of the peace or violation of the rights of others."

48. The right to form associations is enshrined in article 39 of the Constitution, which reads:

> "Article 39. The formation of companies, associations and foundations that are not contrary to morals or to the legal order is permitted. They may obtain recognition as juridical persons. No recognition shall be granted to associations based on ideas or theories propounding the so-called superiority of one race or ethnic group, or which justify or promote racial discrimination. The capacity, recognition and regulations of companies and other juridical persons shall be determined by Panamanian law."

49. The Ministry of the Interior and Justice is responsible for granting juridical personality to any association, without any form of discrimination,

providing it complies with the requirements of the law. In 1995, the Ministry recognized approximately 200 non-profit associations, to which it granted juridical personality.

50. In this connection, article 19 of the Constitution, as adopted in 1972 and amended by the Reform Acts of 1978 and the Constitutional Act of 1983, confirms the principle that "there shall be no personal privileges or distinctions or discrimination by reason of race, birth, social class, sex, religion or political ideas"; article 20 establishes the principle of equality before the law for Panamanians and aliens, subject to such restrictions and conditions as are laid down in that article.

51. The Constitution also contains a number of provisions to promote and safeguard the right to work without any exception. Thus, chapter 3, in Title III on "Work", and in particular articles 60, 61 and 63, stipulate as follows:

> "Article 60: Work is a right and duty of the individual and accordingly the State has an obligation to devise economic policies intended to promote full employment and provide every worker with the conditions necessary for a decent existence.
>
> "Article 61: Every worker in the service of the State, of public or private undertakings or of individuals shall be guaranteed a minimum wage or salary.
>
> ...
>
> "Article 63: An equal wage or salary shall always be paid for equal work under identical conditions, regardless of who performs it, without distinction as to sex, nationality, age, race, social class or political or religious ideas."

52. The provisions contained in article 10 of the Labour Code guarantee the principle of equal wages. Equal work performed for the same employer, in the same job, for the same hours and under the same conditions of efficiency and length of service, carries an equal wage, which includes ordinary and special payments and such entitlements, gratuities, bonuses, services and any other amounts or payment in kind to which a worker is entitled by virtue of his employment.

53. In this connection, article 145 of the Labour Code stipulates that in cases of breach of the principle of equal wages or of activities for which no minimum wage has been determined, or if the remuneration is manifestly inequitable in comparison with the average wage for the industry or sector concerned, the worker affected may lodge an application, through summary proceedings, to determine the appropriate wage. The wage so determined shall apply from the time the ruling becomes enforceable.

54. The same article lays down effective means of redress in the event of a breach of the principle of equal wages or the minimum wage, or of unjust wages, consequently, the principles set forth in Panamanian labour law are no longer merely pie in the sky.

55. Discrimination on any of the grounds set out in article 388, paragraph 3, of the Labour Code also constitutes unfair practice detrimental to the rights of workers: they include dismissal, penalties, reprisals, transfer, demotion or discrimination in response to individual or collective claims, for organizing or belonging to a trade union or for having participated in a strike or signed a petition.

56. Act No. 44 of 12 August 1995 reformed the Labour Code in the light of the provisions of the Constitution and provided for the regularization and modernization of labour relations. The Act provides as follows:

> "Article 1: This Code regulates relations between capital and labour on the basis of social justice, as expressed in the Constitution of the Republic, and shall determine State protection for the workers. The State shall intercede to promote full employment, to create the necessary conditions to ensure a decent existence for all workers ...".

57. In Title I of Book I, the Labour Code contains comprehensive provisions for the protection of labour, embodying measures to protect the work of Panamanians, the length of the working day and compulsory rest periods. Article 3 of Act No. 44 supersedes article 22 of Cabinet Decree No. 252 of 1971, and reads as follows:

> "Article 22: The establishment and operation of private profit-making or non-profit-making employment agencies shall be authorized, provided they charge no fees to workers who make use of their services. The Executive shall regulate the operation of such agencies, taking into account the conventions of the International Labour Organization. The universities, vocational and technical colleges, and the Labour Foundation may establish non-profit-making employment exchanges to help future professionals to find employment. Such exchanges shall in particular help graduates to find employment in order to provide them with professional and technical experience."

58. Similarly, article 4 of Act No. 44 amended article 39, paragraph 1, of the Labour Code, under which every employer is required to allow his workers to take the normal rest period to restore their strength, in conformity with the following rules: "1. The working day shall include a rest period of not less than half an hour and not more than two hours. However, during night work or overlapping night and day work, the employer and the worker may agree to distribute such rest periods, without exceeding the limits of the corresponding working day, so as not to interrupt production".

59. Article 5 of Act No. 44 amended article 54-A of Cabinet Decree No. 252 of 1971, which stipulates that when a worker receives part of his wages in kind in accordance with the provisions of article 144, holiday pay in cash must be supplemented by the relevant payment in kind or its monetary equivalent, as established by article 144.

60. Article 6 of Act No. 44, which amended a paragraph of article 59 of Cabinet Decree No. 252 of 1971, is particularly noteworthy. It stipulates that if a worker has accumulated leave, he shall be entitled to minimum mandatory paid leave of 15 days during the first period, and shall carry

forward the other days for the second period. Similarly, article 7 of Act No. 44, replaced article 60 of Cabinet Decree No. 252 of 1971, stipulating that an employer may not initiate, adopt or inform an employee of any of the measures, penalties and actions provided for in the Code while the latter is unfit for work or is on leave, under pain of nullity. For these purposes, the time-limits for lapse and prescription are suspended during these periods.

61. Article 14 of Act No. 44 stipulates that any female worker who is pregnant shall be entitled to compulsory leave for six weeks prior to the birth and eight following the birth during which she shall receive her normal wages. In no circumstances may the period of leave be less than 14 weeks, but if the birth is overdue the worker shall still be entitled to 8 weeks' paid leave following the birth. The employer shall make up the difference between the maternity allowance provided by the Social Security Fund and the remuneration to which the pregnant worker is entitled under this article. If the Social Security Fund is not required to pay a maternity allowance, the obligation arising from this article shall be borne in toto by the employer.

62. The Executive is authorized to issue regulations pursuant to this article, establishing leave periods shorter than those provided for therein in the case of activities and occupations whose characteristics so require. In such cases the provisions of the previous paragraph shall also apply. During the leave period referred to in this article, the employer may not initiate, adopt or inform the worker of any of the measures, penalties and actions provided for in the Code under pain of nullity. For these purposes, the time-limits for lapse and prescription established for the benefit of the employer shall be suspended during this period.

63. Book I, Title III, of the Code lays down special provisions for the protection of labour relating to the hiring of Panamanians to work abroad and for the employment of women and minors.

64. It should be emphasized that, as specified in article 2, the provisions of the Code are a matter of public policy and are mandatory for any natural or legal persons, undertakings, operations and establishments which are located or establish themselves on the national territory. Consequently, aliens who perform services in Panama are subject to the labour regulations.

65. As regards protection against unemployment, as has already been noted, in the late 1980s Panama went through a serious political crisis, which was accompanied by a similar economic crisis. This had a number of detrimental effects on all aspects of the labour market.

66. These developments were aggravated by the events of December 1989, as the invasion of Panama by the United States led to the looting of almost all commercial establishments and disruption of a considerable proportion of services in Panama City and Colón, where over half of the country's economic activities are concentrated. This led to unprecedented levels of unemployment as a result of the unforeseen and almost total closure of the commercial establishments in those cities. In January 1990 the rate of overt unemployment was 35 per cent.

67. In order to address this exceptional situation, the Government, and more particularly the Ministry of Labour and Social Welfare, focused all efforts on attempting to conclude satisfactory labour agreements between employers and employees with the aim of facilitating the rapid reopening of commercial and service establishments and providing new employment for workers who had lost their jobs. As a result of the joint efforts of the public and private sectors, the rate of overt unemployment fell to 13.8 per cent in 1994.

68. The agreements placed particular emphasis on preserving the fundamental guarantees provided by Panama's labour legislation and ensuring that all workers who had been employed in companies at the outbreak of hostilities were given an opportunity to find employment, regardless of their seniority, sex, race or occupation.

69. In this connection, Act No. 44 of 12 August 1995 modernized labour relations, taking into account the experience gained during the crisis of 1987-1990, in order to avert job losses and normalize labour relations during times of serious national economic crisis.

70. An illustration of this new approach is provided by the new article 159 of the Labour Code, pursuant to which the agreed wage may not be reduced on any account, even with the consent of the employee. However, in a serious national economic crisis, after a fortuitous event or in cases of force majeure, duly verified by the labour authorities, which jeopardizes the existence of a source of employment, the corresponding working hours or working week may be temporarily modified or reduced, with the consent of the trade union organization, or of the workers where there is no trade union, provided agreement is reached on the gradual restoration of the working day to its pre-crisis length. In such circumstances, the State will cooperate with the workers and employers in order to mitigate the effects of the crisis.

The right to form and join trade unions

71. Where this right is concerned, Title III of the Constitution, which sets out the rights and duties of individuals and society, recognizes, in article 64 of chapter 3 relating to "Work" on the right of workers, employers and members of all the professions to form trade unions. The article reads as follows:

> "Article 64: The right of employers, employees and members of all the professions to form trade unions in order to further their economic and social activity is recognized. The Executive shall have a non-renewable period of 30 days in which to accept or reject the registration of a trade union. Recognition by the Executive of trade unions, whose juridical personality shall be determined upon registration, shall be regulated by law.
>
> The Executive may not disband a trade union unless it has permanently deviated from its purpose, and after having been declared competent to do so by a final judgement ...".

72. Article 334 of the Labour Code, Title I on the right to form trade unions, Book III, chapter I stipulates:

"Article 334: The establishment of trade unions shall be declared to be in the public interest, as an effective means of promoting Panama's economic and social development, popular culture and Panamanian democracy".

73. In this connection, article 335 provides that employees, professionals and employers of any occupation, profession or activity may form and join trade unions without need for authorization.

74. In conformity with the conventions and recommendations of the International Labour Organization, measures are being taken to expedite the registration of social organizations and to achieve greater trade union autonomy. In this regard, in its section on collective agreements, the current Labour Code provides for the possibility for labour relations to be determined in their entirety by mutual agreement between employers and employees. They may also determine the duration of agreements and amend them by mutual consent while they are in force.

75. The Labour Code undoubtedly favours the interests of trade unions. It proclaims and expresses the principle that the purpose of trade unions is to improve the working conditions of their members. This principle is set out in article 357, paragraph 1, as their primary function. It should be noted that paragraph 2 of the same article not only authorizes collective agreements as a means of entering into labour contracts but requires employers to conclude them with trade unions whose members provide them with their services. This requirement is clearly set out in article 401.

76. Section 3 of the Labour Code (arts. 388 and 389) regulates the concept of unfair practices. Such practices include deliberate violation of trade union privileges. In other words, if an employer who is aware of the existence of trade union privileges dismisses an employee without complying with the legal formalities, he is liable to a fine of 100 to 2,000 balboas, depending on the seriousness of the circumstances. The fines are doubled for each successive offence by the employer, and are imposed by the administrative authorities or the labour courts, without prejudice to the reinstatement of the employee and payment of his unpaid wages.

77. Article 388, relating to penalties for unfair practices, identifies the following practices as unfair to the interests of trade unionism and the rights of workers:

(a) The drawing-up of blacklists;

(b) Ill-treatment of workers;

(c) Dismissals, penalties, reprisals, transfers, demotion or discrimination in response to individual or collective demands, for organizing or belonging to a trade union, or for having participated in a strike or signed a petition;

(d) Knowingly dismissing one or more workers who are protected by trade union privileges;

(e) Interference by employers with the aim of organizing or taking control of trade unions or inducing workers to leave or not join a union;

(f) Giving or offering money to a workers' social organization, except as provided for by law or by a collective labour agreement, in which case the money must be intended for housing or other social welfare programmes for the benefit of workers;

(g) The dismissal or demotion of a number of unionized permanent employees in a manner which changes, to their detriment, the ratio within the firm, of unionized to non-unionized personnel or personnel belonging to another union, unless the reasons for the dismissals or the change of ratio have been previously justified before the labour tribunals. This rule shall apply even when the dismissals are not effected simultaneously;

(h) In the cases covered by paragraph (g) of this article, the dismissed workers shall be entitled to reinstatement and to payment of their unpaid wages. This provision shall only apply to workers whose dismissal occurred not more than three months before the date on which the claim was lodged. Any disputes over the application of this provision shall be dealt with through the abridged procedure.

Cases

78. Memorandum submitted by the Government of Panama, in conformity with the provisions of article 22 of the Constitution of the International Labour Organization (ILO), concerning measures taken to ensure the effective implementation of the provisions of Convention No. 111 (Discrimination in respect of employment and occupation) of 1958, which Panama has ratified. The Government of Panama provided the following reply to the direct request submitted by the ILO Commission of Experts on implementation of the Convention:

"Period: 31 October 1989 to 30 June 1990

A. Regarding the communication from the Association of Odontologists and Allied Professions of the Social Security Fund (AMOACSS), dated 23 October 1989, concerning the dismissals of health workers pursuant to Decree-Law No. 3 of 9 October 1989, we wish to inform you that in note No. DM-283-90, dated 12 March 1990, the new Government submitted its observations on the questions raised by AMOACSS. The note reported that following the formation of the new Government the dismissed health workers had been reinstated, thereby solving the problem satisfactorily.

B. As to the measures taken to remove obstacles to the effective realization of the principle of equality contained in the agreement on the Canal Zone, we wish to inform you that no significant progress has been made. The observations made in the document entitled 'Labour discrimination under Public Law 96-70', are still valid as the Law remains in force.

However, it should be mentioned that during the period October 1988-December 1989, the Government of the United States of America committed other kinds of violations which constituted discrimination in the labour sphere, as a result of the crisis at that time between the Governments of Panama and the United States. The most significant violations were the following:

1. Authorizing the employees of the Canal Commission to make purchases in the military stores and commissaries, even though this right had lapsed on 1 October 1984, pursuant to the provisions of article 13, paragraph 3, of the Agreed Minute on the Implementation of article III of the Panama Canal Treaty.

2. Refusal by the Government of the United States to transfer to the Government of Panama the amounts corresponding to the payment of income tax and educational social security for the Panamanian employees of the Canal Commission, thereby violating the agreement on the deduction of Panamanian income tax due on remuneration paid to Panamanian employees in the Canal Zone and on the Canal, the railway and auxiliary works, concluded by an exchange of notes signed in Panama on 12 and 30 August 1963, and the agreement relating to the deduction of educational social security tax on wages paid to specific employees of the Canal Zone, concluded by an exchange of notes signed in Panama on 8 September and 13 October 1972. This situation was regularized in 1990.

However, in January 1990 relations between Panama and the Government of the United States entered a new phase. This was attributable to the objectives set by the Board of Directors of the Panama Canal Commission for the remaining 10 years of the 1977 Torrijos-Carter Treaty. One of the main objectives is to take all the measures necessary to ensure that the transition period goes smoothly and without any problems; it is therefore to be hoped that all these problems of discrimination on grounds of employment and occupation will be overcome, and that the two Governments will thus faithfully comply with both the 1977 Panama Canal Treaty and the relevant ILO Convention.

In order to implement the above, the Panama Canal Commission has reactivated the Committee, to which our Government will apply in the first instance to seek redress for all the cases of discrimination which Panama has systematically reported to ILO.

Period: 30 June 1990 to 1 July 1992

A. Regarding discrimination in terms of employment and occupation within the Canal Commission, and as part of a new phase in relations between Panama and the United States Government, we wish to report that in connection with the Tauzin-Field Bill, submitted to the United States Congress to amend Public Law No. 96-70, the Government of Panama, through the Ministry of Foreign Affairs, sent to the United States Ambassador in Panama note No. AJ-57, dated 9 April 1992, containing the observations and recommendations that Panama believed it was necessary to adopt in order to eliminate the friction arising from Law No. 96-70.

The Bill in question is still pending before the United States Congress. We shall keep you informed of the results of this action and of any progress made.

B. As to the measures taken to protect female workers against acts of sexual harassment in the workplace, we wish to inform you that article 128, paragraph 6, of the Labour Code stipulates as follows:

'Article 128: Employers shall have the following obligations, in addition to their specific contractual obligations:

To prevent:

...

(4) Immoral conduct by employees at work;

...

(13) Any act by the employer, or by his representatives, whose purpose is to induce employees to commit an unlawful or immoral act or an act that is contrary to their political or religious beliefs.'

C. Regarding the measures taken to promote in practice equal opportunities for women in employment, the Ministry of Labour and Social Welfare, through the Directorate-General for Employment (ILO/PREALC/UNDP), has been implementing programmes to promote the employment of women in Panama. In this context, several months' consultancy services have been provided in order to design a programme of employment for female heads of household.

In connection with this project, the Directorate-General for Employment has proposed a pilot programme for the creation of permanent employment, in which women workers will play a major role, through the scientific development of the private productive potential of Panamanian labour. The proposal's basic premise is that joint State and non-governmental participation is a decisive factor in the development and implementation of solutions.

Acknowledgement of this fact made it important to ensure the participation of the Panamanian National Federation of Businesswomen and Professional Women in implementing a specific programme to create stable employment for women, with the basic objective of helping to improve the living and working conditions of Panamanian women and their families.

In this connection, in order to strengthen its institutional capacity and ability to implement the programme, PREALC/ILO employed a consultancy firm specializing in women's employment to design and implement job-creation programmes and projects for women.

The consultancy led to the preparation of an institutional diagnosis, guidelines for a methodology for the design of job-creation project profiles for women in Panama, and guidelines for formulating

job-creation programmes for women to be implemented by the Panamanian National Federation of Businesswomen and Professional Women. These documents set out a number of criteria for determining priorities for action, the basic premises of the programme and strategies to ensure its success, together with a proposed organization chart for putting the programme's guidelines into practice.

This job-creation programme for women is to focus its efforts on women with employment problems (unemployed and underemployed women), and in particular women who fall into at least three of the following categories:

1. Heads of households living in poverty, with family responsibilities (children, parents and others), who account for just over half of poor households;

2. Housewives (who comprise 48.7 per cent of the economically active population (EAP) and 12.2 per cent of the total population) provided they wish to enter the labour market;

3. Women living in rural areas where there are economic activities capable of providing them with work on favourable terms;

4. Women aged between 20 and 39, who make up 62.6 per cent of the EAP and 72 per cent of unemployed women;

5. Women without their own income or whose income is below the current legal minimum wage.

It should be emphasized that the proposed programme is characterized by, and draws its strength from, the following features:

1. It is a programme rather than a number of isolated actions;

2. It is a programme with a high social-development content;

3. It operates on the basis of three duly interconnected components: training, technical assistance and funding;

4. It takes into account the specific circumstances of women;

5. It is a flexible programme capable of detecting new needs and situations;

6. It is of an inter-agency character;

7. It lays the foundations for its financial self-sufficiency;

8. It has a multiplier effect;

9. It will have a decisive social impact.

The implementation of the programme will to a large extent promote equal employment opportunities for women.

Period: 1 July 1992 to 1 March 1995

A. Where working conditions in the Canal Zone are concerned, the Government of the United States has adopted a Law under which certain categories of Panamanian employees of the Panama Canal Commission are entitled to perform certain activities within Panamanian government institutions, which used to be prohibited under the emoluments clause of the United States Constitution. This exemption allows Panamanian employees of the Commission to make a valuable contribution to their communities by working as teachers, firemen, health professionals, consultants and technical experts in public-service institutions.

With regard to the amendments to Public Law No. 96-70, the Board of Directors of the Panama Canal Commission requested a study, on the basis of which it submitted recommendations to the President of the United States. The purpose of these recommendations is to bring about changes in the management and financial structure of the Commission so as to facilitate and enhance the operation of the Canal through an autonomous entity under the authority of the Government of Panama after its transfer on 31 December 1999.

Following a review by various United States government agencies (Office of Administration and Budget, Department of Justice and Department of Defense), in April 1994 President Clinton submitted his recommendations to Congress in Bill H.R. 5229, which is due to be debated during the current year.

The suggested changes include the following:

1. The reorganization of the Panama Canal Commission as a public corporation, commercially-oriented and with flexible operation;

2. Maintenance of the right of the Board of Directors to elect its Chairman from among its members. It is also recommended that those United States members who are not officials of the United States Government should be appointed by the President of the United States, without need for them to represent specific economic interests or groups, as is currently required by the law;

3. The Presidents of the United States of America and the Republic of Panama may appoint an international adviser from a third country to participate in meetings of the Board of Directors, with the right to speak but not to vote, in order to give the Board an international outlook;

4. The Board of Directors (composed of United States and Panamanian citizens) is to be vested with greater authority in matters relating to the policy of the undertaking, in order to facilitate the transfer. It will also be empowered to hire external auditors and to authorize changes in tolls;

5. The regulations applicable to the Canal Agency will be revised following a study, to ensure that it operates in conformity with standards of commercial efficiency and that the regulations meet the needs of the transition period;

6. A liquidation fund is established to meet the liabilities of the Untied States and an annual certificate is to be issued to the Canal Commission for the liquidation of debts.

B. Regarding sexual harassment in the workplace, the Government of Panama provides support to non-governmental organizations to assist them in drawing up specific legal measures to protect workers against acts of sexual harassment. The Ministry of Labour and Social Welfare through the Directorate-General for Social Welfare, provides technical support and grants, and coordinates their activities.

As to measures to ensure that workers are not forced to give up their job in order to escape sexual harassment, article 223, paragraph (13), of the Panamanian Labour Code, relating to unfair dismissal upholds the right of workers to resign from their jobs with due cause and with the right to compensation and prohibits employers from committing immoral acts."

ILO Conventions relating to racism

79. Panama has ratified the following Conventions:

Convention No. 19: Equality of Treatment (Accident Compensation) Convention, 1925, ratified by Cabinet Decree No. 164 of 4 June 1970, date of registration with ILO: 19 June 1970;

Convention No. 29: Forced Labour Convention, 1930, ratified by Act No. 23, of 1 February 1966, date of registration with ILO: 19 May 1966;

Convention No. 86: Contracts of Employment (Indigenous Workers) Convention, 1947, ratified by Cabinet Decree No. 178 of 4 June 1970, date of registration with ILO: 19 June 1970;

Convention No. 87: Freedom of Association and Protection of the Right to Organize Convention, 1948, ratified by Act No. 45 of 2 February 1967, date of registration with ILO, 19 June 1970;

Convention No. 95: Protection of Wages Convention, 1949, ratified by Cabinet Decree No. 18 of 4 June 1970, date of registration with ILO, 16 May 1966;

Convention No. 98: Right to Organize and Collective Bargaining Convention, 1949, ratified by Act No. 23 of 1 February 1966, date of registration with ILO, 16 May 1966;

Convention No. 105: Abolition of Forced Labour Convention, 1957, ratified by Cabinet Decree No. 53 of 26 February 1971, date of registration with ILO, 4 June 1971;

Convention No. 107: Indigenous and Tribal Populations Convention, 1957, ratified by Cabinet Decree No. 53 of 26 February 1971, date of registration with ILO, 4 June 1970;

Convention No. 111: Discrimination (Employment and Occupation) Convention, 1958, ratified by Act No. 23 of 1 February 1966, date of registration with ILO, 16 May 1966;

Convention No. 159: Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, ratified by Act No. 18 of 8 November 1993.

Article 7

80. Pursuant to the responsibilities established by law in the social and educational fields and the international agreements on human rights education, in the last five years the Ministry of Education, in its capacity as the Panamanian education system's standard-setting body, has initiated and developed specific measures in the fields of legislation concerning education, curriculum review and teacher-training in human rights. The National Commission to Promote Human Rights Education and Learning, whose activities are coordinated by the Directorate-General for Education, was specially established to promote strategies for the dissemination, implementation and practice of human rights and education for peace within the formal education system.

Teaching and education

81. The Commission to Promote Human Rights Education and Learning in all Panama's State and private educational establishments was set up by Decision No. 2701 of 14 September 1990, pursuant to Act No. 2 of 30 January 1984, whereby the systematic study of human rights was incorporated into the national education system.

82. The Commission comprises the Directorate-General for Education, which coordinates its activities, the Curriculum Directorate, the Legal Adviser's Office, the Public Relations and Information Office, representatives of civic associations, teachers' associations, local human rights commissions and the Church's education commission. Its main functions include:

(a) Preparation of diagnoses, for each level of education;

(b) Formulation of human rights education projects;

(c) Coordination and support for human rights educational activities;

(d) Assessment of results;

(e) Preparation of documents and reports;

(f) Dissemination of results;

(g) Others.

83. The following actions were carried out in the period 1990-1996 to combat, through education, prejudices that give rise to racial discrimination:

1990:

Human rights seminar with technical assistance from the Inter-American Institute of Human Rights (IIDH);

Establishment of the Commission for Human Rights Education and Learning, following a recommendation by participants in the above seminar;

Seminar-workshop on education for peace;

1991:

Seminar-workshop on the implementation of human rights in the school curriculum, teaching and text books, intended for educational specialists;

Training for 100 teachers through seminar-workshops on putting human rights into practice in teaching and learning;

Preparation of a study on the contribution by national institutions, organizations and associations belonging to the Commission to Promote Human Rights Education and Learning. The study comprises the following:

Background to human rights;

Background (historical, philosophical, legal, psychological and pedagogical);

International agreements and declarations;

Contributions by member institutions of the Commission;

Study of the content of subject syllabuses at the primary and secondary levels of education in order to determine the scope and sequence of human rights issues;

1992:

Design, execution and processing of a survey among 1,130 primary and secondary teachers on the state of human rights education at the pre-primary, primary and intermediate levels;

Preparation of the preliminary report on the survey;

Training for 100 teachers on the topic "Putting human rights into practice in the teaching and learning process", in conjunction with the Panamanian Human Rights Committee; cooperation in organizing the first National Symposium on Human Rights and Education for Peace, sponsored by the University for Peace and the Panamanian Human Rights Committee, April, May and June 1992;

1993:

Participation in the Central American Seminar-Workshop on formal human rights education, organized by IIDH in Guatemala;

Second consultative meeting of national commissions on human rights and education for peace, San José, Costa Rica;

Workshop on experience in human rights education, IIDH, San José, Costa Rica;

National workshop on human rights and education, organized by the Commission under the auspices of the project to mobilize support for major education campaigns for all in Panama, UNDP/UNESCO/PAN/92/001;

Signing of the technical cooperation agreement between the Ministry of Education (MINEDUC) and IIDH;

1994:

Cooperation and liaison with the Panamanian Human Rights Committee and MINEDUC in the organization of the First Panamanian Boys' and Girls' Mini-Summit, held on 28 and 29 January 1994, in the Portobelo Room of the ATLAPA Convention Centre. The Mini-Summit was part of the programme to promote the Convention and Declaration on the Rights of the Child. It was attended by approximately 95 children aged from 7 to 18. Provision was made for disabled children to take part. Its purpose was to arouse civic and democratic awareness in boys and girls in order to enhance, develop and ensure the durability of Panamanian democracy;

Cooperation and liaison with the Panamanian Human Rights Committee in connection with the "Development of the rights of the child as part of the first drawing competition on the subject of human rights". A total of 500 children took part nationwide. The purpose of the competition was to increase knowledge of the rights of the child and to enhance children's drawing skills in connection with the theme of their rights;

Preparation of Panama's report on the occasion of the 44th meeting of the International Conference on Education, held in Geneva in October 1994. This document, entitled "Overview and Prospects for Education with a view to International Understanding", covers education policy guidelines, educational principles, education in human rights and democracy, and the training of education personnel for international understanding;

Participation by Panama in the Subregional Workshop to exchange experience and material relating to human rights education.

Projects:

UNESCO/DANIDA (Danish International Development Agency) project No. 510/RLA/10 in connection with the "Human Rights Education in the Central American Isthmus" programme. The purpose of the project was to exchange

experience and to update information on the situation of human rights education programmes and to promote an exchange of experience and information on teacher training;

"Children and democracy project" entitled "Study of the democratic process with the participation of boys and girls from Bocas del Toro, Chiriquí, Veraguas, Coclé, Herrera, Los Santos, Colón, Panama City and Kuna Yala Comarca". This project was sponsored by MINEDUC, La Prensa newspaper and UNICEF. The study, conducted by boys and girls, was carried out in David (Parque Van Kleef), Santiago (El Canadá auxiliary school) and Panama City (Herrera Obaldía vocational school). The project covered 725 primary schools with 15,000 registered pupils. It led to the production of a 25-minute video entitled "Childhood and democracy";

Presentation of Module No. 1 entitled "The foundations of human rights", as part of the project to mobilize support for major education campaigns for all in Panama. A brochure sponsored by MINEDUC, UNDP, the Social Training Centre and UNESCO was published with the aim of fostering an understanding of fundamental human rights concepts. Panama City, March 1994, publication of 500 brochures;

One-day working seminar on "The teaching of human rights" and "How to teach human rights", held for the staff of the various offices and departments of MINEDUC. Purpose: to exchange theoretical and practical experience on human rights education. Dates: 25, 26 and 27 April 1994;

Seminar-workshop on human rights and education for teachers of geography, history, civic education and public administration in intermediate schools. The seminar was organized by the National Department of Education, the Department of Further Education for Teachers and the Department of Secondary Education, and sponsored by UNESCO, UNICEF and IIDH. It covered 15 schools and was attended by 30 teachers. The central topic was the use of the Institute's teaching materials. Its purpose was to train teachers in human rights education and to form an outreach team;

Coordination with UNESCO to organize working seminars on human rights education in UNESCO associated schools (total of 10 schools and colleges);

Circulars were sent to schools and to the provincial and regional directorates concerning the celebration of Human Rights Day on 10 December. Six hundred posters were sent to all parts of Panama.

Activities planned:

Updating and implementation of Act No. 47 (Education Organization Act) of 1946, and in particular the proposal contained in article 145 concerning the inclusion of human rights as a core subject of the curriculum;

Strengthening of methods used to prepare modules or teaching guides for human rights education;

Renewal of the MINEDUC-IIDH agreement;

Preparation of the five-year plan for human rights education and application for international funding as part of the United Nations Decade for Human Rights Education (1995-2004);

1995-1996:

In Panama City in March 1995, Mr. Pablo A. Thalassinos, Minister of Education, and the Executive Director of IIDH signed an addendum to the existing technical cooperation agreement between the two institutions in order to strengthen and expand planning and curriculum design in relation to human rights education. Under article 3 of the addendum, the agreement is extended for a further two-year period. Under the MINEDUC-IIDH agreement, 50 folders containing valuable bibliographic information and information on methods to be used in human rights education (teaching guides) were provided; they were used as a basis for two training seminars for social science teachers from 25 technical colleges, who now constitute the first network of human rights outreach workers in schools. The agreement also made it possible for Ms. Mágdala Velázquez, a consultant with IIDH, to provide technical advisory services. She revised the plan of action for the United Nations Decade for Human Rights Education, the human rights teaching and promotion project, and held a one-day training seminar for teachers and students from two school districts belonging to the Youth Sub-Commission on Human Rights (Chiriquí and Panama City).

An agreement on civic electoral education was concluded between MINEDUC and the Panamanian Electoral Tribunal with the aim of fostering democracy among young Panamanians through education and the social studies, civic education and public administration syllabuses, and by promoting and organizing student governments which operate as cultural associations in schools.

The Commission to Promote Human Rights Teaching within formal education was reorganized as a non-governmental organization pursuant to Act No. 2 of 1984. The Commission's activities are coordinated by the Directorate-General for Education. Five projects have been organized in conjunction with this NGO as part of the plan of action for the Decade.

The signing of Act No. 34 of 6 July 1995 led to the incorporation of human rights as a core subject in the curriculum (art. 145). In this connection, the National Coordinating Council for Human Rights Education has carried out the following activities:

Revision of the content of the curriculum for each grade and level;

Preparation of a syllabus showing the human rights content of subjects taught in primary and secondary schools;

Seminar-workshop entitled "Human rights at school" with support from the UNESCO-DANIDA project, in the course of which a diagnosis was carried out and proposals were made regarding the curriculum for human rights teaching. This research was conducted under the technical responsibility of the Centre for Outreach Workers and UNESCO;

The community project entitled "Tolerance and education for democracy, human rights, peace and development" was initiated as part of the United Nations Year for Tolerance (1995) and with the support of UNESCO and the Celestín Freineth Institute. The first phase of the project consisted of five training modules for teaching staff from 13 schools in the Special District of San Miguelito, where considerable problems of intolerance had been identified. The aim of the project is to draw up a theoretical, methodological and practical proposal on how to teach pupils tolerance through the participation of the educational community, thereby enriching Panamanian teaching practices and enhancing democratic coexistence. The project will be of five years duration.